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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,621	10/15/2001	Kazunnari Nakao	PC9985A	2547

7590 02/19/2003  
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EXAMINER

STOCKTON, LAURA

ART UNIT PAPER NUMBER

1626

DATE MAILED: 02/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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DATE MAILED:

13

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on December 4, 2002
- ☐ This action is FINAL.

- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), ~~which is longer~~ whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-16
- Of the above, claim(s) 13, 15 and 16 are pending in the application.
- ☐ Claim(s) 13, 15 and 16 are withdrawn from consideration.
- ☒ Claim(s) 1-12 and 14 is/are allowed.
- ☐ Claim(s) 1-12 and 14 is/are rejected.
- ☐ Claim(s) 1-12 and 14 is/are objected to.
- 1-12 and 14 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received: \_\_\_\_\_

- ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4, 9 and 12
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

## DETAILED ACTION

Claims 1-16 are pending in the application.

### *Election/Restrictions*

Applicant's election without traverse of Group I, claims 1-12 and 14, and the species of Example 42 on page 129 in Paper No. 11 is acknowledged. Group I has been examined in its entirety.

The requirement is still deemed proper and is therefore made FINAL.

Subject matter not embraced by elected Group I and claims 13, 15 and 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions. Election was made without traverse in Paper No. 11.

It is suggested that in order to advance prosecution, the non-elected subject matter be canceled when responding to this Office Action.

*Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 (page 348, line 6), under the definition of Y<sup>1</sup>, Y<sup>2</sup>, Y<sup>3</sup> and Y<sup>4</sup>, the expression “or C(L)” should be changed to “and C(L)”.

In claim 1 (page 349, line 27), under the definition of Q<sup>2</sup>, the minimum number of carbons that an alkenyl group or an alkynyl group can have is two (2). Therefore, having a “C<sub>1-4</sub> alkenyl” and “C<sub>1-4</sub> alkynyl”

is not possible. See claim 2 (page 351, line 10), claim 3 (page 351, line 32 and page 352, line 1) and claim 4 (page 352, lines 31-32) for same.

In claim 1 (page 349, line 28), under the definition of  $Q^2$ , it is unclear what is meant by " $C_{1-4}$  alkoxy".

In claim 3 (page 351, line 19), under the definition of  $R^1$ , the expression " $C^{1-3}$  alkyl" should be changed to " $C_{1-3}$  alkyl".

In claim 4 (page 352, line 25), under the definition of variable B, it would appear that something is missing in the phrase "B is or  $C_{3-7}$  cycloalkylene".

### *Allowable Subject Matter*

The elected species of Example 42 is allowable over the art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura L. Stockton whose telephone number is (703) 308-1875. The examiner can normally be reached on Monday-Friday from 6:00 am to

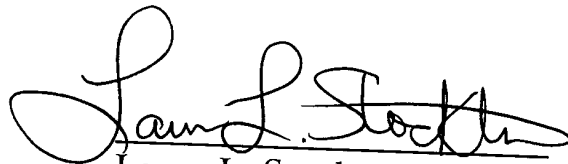
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Art Unit: 1626

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2:30 pm. If the examiner is out of the Office, the examiner's supervisor, Joseph McKane, can be reached on (703) 308-4537.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

A handwritten signature in black ink, appearing to read "Laura L. Stockton", written over a horizontal line.

Laura L. Stockton, Ph.D.

Patent Examiner

Art Unit 1626, Group 1620

Technology Center 1600

February 14, 2003